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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

NORTHERN ALASKA ENVIRONMENTAL
COUNCIL, et al.,

Plaintiffs,

v.

DEBRA HAALAND, in her official capacity, et
al.,

Defendants,

and

AMBLER METALS, LLC, et al.

Intervenor-Defendants.

Case No. 3:20-cv-00187-SLG

**INTERVENOR-DEFENDANTS ALASKA INDUSTRIAL DEVELOPMENT
AND EXPORT AUTHORITY AND THE STATE OF ALASKA’S NOTICE
REGARDING ORAL ARGUMENT**

To the extent required by Local Civil Rule 7.1(f), Intervenor-defendants Alaska Industrial Development and Export Authority (“AIDEA”) and the State of Alaska advise the Court and parties that they concur that Defendants’ Motion for Voluntary Remand,

ECF No. 113, may appropriately be resolved on the pleadings. In determining whether to order oral argument, AIDEA and the State respectfully request the Court to consider procedural approaches that would enable the Court to issue its ruling promptly. This request is made in light of the significant, continued impact that litigation-related delays are having on the Ambler Access Project (“Project”) and the Project’s critical role in allowing our nation to responsibly develop its critical mineral resources.

If the Court determines that oral argument would be of assistance in resolving the motion, AIDEA and the State will participate. Due to scheduling conflicts, AIDEA requests that an oral argument be scheduled no earlier than the first week of June. Because of the substantial scheduling conflicts identified by Defendants and Plaintiffs, AIDEA and the State respectfully suggest that a status conference may be a more expeditious approach than oral argument to resolve any specific questions the Court may have of the parties.

For context, on February 24, 2022, the U.S. Geological Survey released its Final List of Critical Minerals¹, which are defined as minerals that: (1) “are essential to the economic or national security of the United States,” (2) which have a supply chain “vulnerable to disruption,” and which (3) “serve an essential function in the manufacturing of a product. . . the absence of which would have significant consequences for the economic or national security of the United States.”²

Critical minerals – which our nation is in urgent need of – are found in abundance

¹ 2022 Final List of Critical Minerals, 87 Fed. Reg. 10,381 (February 24, 2022).

² 30 U.S.C. § 1606(c)(4)(A) (emphasis added).

in the Ambler Mining District, an area that is inaccessible to mineral development without completion of the Project. Indeed, Congress recognized importance of the Ambler Mining District when it provided in the Alaska National Interest Lands Conservation Act that the Secretary of the Interior “shall” permit a route to access it. Pub. L. 96-487 §§ 201(4)(b), (e). As such, there is an urgent public need for the Project to move forward. As the Court is aware, AIDEA submitted its application for the Project in 2015, and Defendants (between two administrations) conducted a nearly 5-year environmental assessment of the Project before issuing a Joint Record of Decision in July 2020 and rights-of-way (ROWs) for the federal portions of the route in January 2021. Litigation delays have frustrated AIDEA’s work plans, as well as its retention of contractors, and hiring of equipment and personnel. Nevertheless, AIDEA is moving forward with necessary preconstruction work where possible, consistent with the suspension of the federal ROWs.

Defendants’ Motion for Voluntary Remand presents additional delays to AIDEA’s work – including the month(s) it may take to schedule oral argument on a date which all parties are available. Notably, in the six weeks since the Defendants requested a voluntary remand to undertake what they characterized as necessary analysis and consultation, there has been no public evidence that this work has even begun. If Defendants are waiting for this Court to resolve the Motion for Voluntary Remand before *beginning* the work on remand, delays to accommodate the parties’ schedules for oral argument may result in a corresponding delay in the Defendants *completing* the remand analysis, pushing the point when the litigation cloud over this Project can be resolved even further into the future.

AIDEA and the State therefore ask that the Court issue its ruling on the Motion for Voluntary Remand as promptly as it is able, and solely on the basis of the written briefing submitted by the parties.

DATED at Anchorage, Alaska this 15th day of April, 2022.

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/s/ Kyle W. Parker

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CERTIFICATE OF SERVICE

I hereby certify on April 15, 2022, I caused the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF system which will send notification and electronic service of the same to all counsel of record.

HOLLAND & HART LLP

/s/ Kyle W. Parker

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